



MEDICAL BOARD OF CALIFORNIA

DIVERSION PROGRAM
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Diversion Committee

**Hilton Los Angeles Airport Hotel
Pacific B Room
5711 West Century Blvd.
Los Angeles, CA 90045**

February 1, 2007

Minutes

Agenda Item 1 Call to Order

The Diversion Committee of the Medical Board of California (MBC) was called to order by Chair, Laurie Gregg, M.D., at 3:05 p.m. Notice had been sent to interested parties.

Members Present:

Laurie Gregg, M.D.
Richard Fantozzi, M.D.
Cesar Aristeiguieta, M.D.
Stephen Corday, M.D.
Shelton Duruisseau, Ph.D.

Staff and Guests Present:

Frank Valine, Program Administrator
Dave Thornton, Executive Director
Kimberly Kirchmeyer, Deputy Director
Rhonda Baldo, Staff
Terri Dukes, Staff
Julie D' Angelo Fellmeth, Center for Public Interest Law
Sandra Bressler, California Medical Association

Agenda Item 2 Approval of the November 2, 2006 Minutes

It was M/S/C (5-0) to approve the minutes of the November 2, 2006.

Agenda Item 3 Diversion Program Update

Program Status

Mr. Valine provided an update of the Diversion Program. He stated there are two Case Manager Supervisors, one located in Northern California and one in Southern California, who supervises 6 case managers. The case managers' case loads are between 32 and 38 participants. Mr. Valine stated that both Case Manager Supervisors have a case load of their own between 5 and 9 participants.

Quarterly Quality Review Report

Mr. Valine reported that 18 physicians contacted the program during the second quarter. A total of 48 physicians contacted the program in fiscal year 2006/2007. Six of the 18 physicians were not practicing medicine at the time they contacted the program. Four physicians began the evaluation process for formal participation by completing their initial interview. Three physicians were ineligible for the program and 4 physicians were not interested after they did an intake interview. Six of the physicians were board referrals, and 12 were self referrals.

Mr. Valine reported on the program's response time from the time a physician contacts the program until seen by the DEC. He reported that the times may vary because it is not unusual for a physician to enter the program immediately, however it could be a delay in scheduling them for a DEC. Upon entering the program the physician is immediately put into the random drug generator (RDG), and within days they are attending group meetings, assigned to a case manager and begin testing.

Twenty physicians were released from the program this quarter, 11 were successful and 9 unsuccessful. Eight were board referrals and 12 were self referrals. Dr. Gregg request a column be added to the report to indicate whether or not unsuccessful releases were reported to enforcement.

Mr. Valine reported 4 physicians relapsed this quarter, 3 were board referrals, and 1 was a self referral. Each relapse case had a relapse narrative which indicated what happened to the physician and the method of detection of their relapse.

Collection System Manager's Report

Approximately 2,929 urines were collected this quarter of which 106 were positive. Of the 106 positives, 101 were either approved prescriptions or determined not to be a relapse, and 5 were deemed relapses. Negative dilutes tests were retested with no positives. Mr. Valine reported that a physician stops working whether or not it is a positive from an approved prescription or a deemed relapse.

Financial Status Report per 231 (Business & Professions Code 2343 (b))

Mr. Valine discussed the program's budget and accounted for all expenses and revenue for the quarter. Dr. Aristeiguieta asked if the unspent \$41,000 in the Diversion's budget would go back into the program. Kimberly Kirchmeyer reported that the money would revert back into the Board's fund.

Diversion Program Matrix Update

There was a brief discussion on scheduling a special committee meeting or an extended meeting to discuss the diversion audit and Enforcement Monitor recommendations.

Mr. Valine reported on the 15 Enforcement Monitor's recommendations. Dr. Gregg requested that Issue 12 (develop criteria/regulations for a competency exam requirement for the Diversion Program participants) be an agenda item for the next committee meeting. Mr. Valine requested that Issue 13 (to consider a policy for mandatory "practice cessation" upon entry into the Diversion Program) also be an agenda item.

DEC Appointments/Re-Appointments

Mr. Valine asked the committee to approve two new Diversion Evaluation Committee (DEC) Members, Blaine Z. Hibbard, M.D. and Richard Prather, M.D. It was M/S/C (Gregg/Aristeiguieta) (5-0) to approve the new DEC members.

Mr. Valine asked the committee to approve four DEC members for re-appointment, Richard D. Diamond, DDS, Morris Gelbart, Ph.D., James Massman, M.D., and William Russ, DDS. It was M/S/C (Gregg/Aristeiguieta) (5-0) to approve the DEC re-appointments.

Status of Diversion Audit

Mr. Valine reported on the status of the Diversion Program audit, indicating there appear to be no major problems with the program.

Agenda Item 4 Diversion Advisory Council

Dr. Gregg discussed the proposed Diversion Advisory Council (DAC). The DAC would have seven members with representatives from the following organizations: 2 DEC members, 2 California Society of Addiction Medicine members, 1 board member and an alternate, 1 CMA member and an alternate, and 1 California Psychiatric Association member and an alternate. If approved by the board, the DAC structure will be included in legislation sponsored by the Board. The various organizations will be asked to submit nominations by April 1, 2007 and the DAC will be established at the April board meeting by the Diversion Committee. The DAC would make recommendations and provide clinical quality improvement advice on matters specified by the board or the committee's of the board. The DAC would comply with the open meetings act and

meetings would be scheduled within 30 days after a board meeting. The chair, elected by the council or his or her designee, will report back to the board, or committee of the board, at the

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regular scheduled meetings. It M/S/C (Fantozzi/Duruisseau) (5-0) to approve the establishment of the DAC.

Agenda Item 5 Public Comment

None

Agenda Item 6 Agenda Items for the next Committee Meeting

➤ Issues 12 and 13 of the Enforcement Monitor's Matrix

Agenda Item 7 Adjournment

Dr. Gregg adjourned the meeting at 3:50 p.m.